

2006 No. 2311

ENVIRONMENTAL PROTECTION, ENGLAND

**The Pollution Prevention and Control (England and Wales)
(Amendment) (England) Regulations 2006**

<i>Made</i> - - - -	<i>23rd August 2006</i>
<i>Laid before Parliament</i>	<i>29th August 2006</i>
<i>Coming into force</i> - -	<i>1st October 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999(a).

In accordance with section 2(4) of that Act, he has consulted the Environment Agency, such bodies or persons appearing to him to be representative of the interests of local government, industry, agriculture and small businesses respectively as he considers appropriate and such other bodies and persons as he considers appropriate.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (England and Wales) (Amendment) (England) Regulations 2006 and come into force on 1st October 2006.

(2) These Regulations apply in England only.

Amendment to the Pollution Prevention and Control (England and Wales) Regulations 2000

2.—(1) The Pollution Prevention and Control (England and Wales) Regulations 2000(b) are amended as follows.

(2) Part 1 of Schedule 1 (Activities, Installations and Mobile Plant) is amended as follows—

(a) in Part B of Section 1.2 (Gasification, Liquefaction and Refining Activities)—

(i) after paragraph (d) add—

“(e) Motor vehicle refuelling activities at existing service stations, if the petrol refuelling throughput at the service station in any period of twelve months commencing on or after 1st January 2007 is, or is likely to be, 3500m³ or more.

(f) Motor vehicle refuelling activities at new service stations, if the petrol refuelling throughput at the service station in any period of twelve months is likely to be 500m³ or more.”;

(a) 1999 c. 24. The Secretary of State can exercise these powers only in relation to England: *see* section 53 of the Scotland Act 1998 (c.46) and section 5(3) of the Pollution Prevention and Control Act 1999. The functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2005, S.I. 2005/1958.

(b) S.I. 2000/1973; relevant amending instruments are S.I. 2004/107, S.I. 2004/3276.

- (ii) under the heading “Interpretation of Part B”, in paragraph 1 after the words “In this Part” insert—
 - ““existing service station” means a service station—
 - (a) which is put into operation; or
 - (b) for which planning permission under the Town and Country Planning Act 1990^(a) was granted, before 31st December 2009;”;
 - (iii) under the heading “Interpretation of Part B”, in paragraph 1 before the definition of “petrol” insert—
 - “ “new service station” means a service station which is put into operation on or after 31st December 2009 other than an existing service station;”;
 - (b) In paragraph (f) of Part A(1) of Section 5.1 (Incineration and Co-incineration of Waste), after “burning” insert “landfill gas or”;
 - (c) In paragraph 4 of Part B of Section 7 (SED Activities)—
 - (i) for the words “coming into force of these Regulations”, on the first occasion when they appear, substitute the words “20th January 2004”;
 - (ii) in sub-paragraphs (a) and (b) for the words “date of coming into force of these Regulations” substitute the words “20 January 2004”.
- (3) Schedule 3 (Prescribed Date and Transitional Arrangements) is amended as follows—
- (a) in Part 3 (SED Installations)—
 - (i) in paragraph 13(1), after “paragraphs” insert “13A,”;
 - (ii) after paragraph 13 insert—
 - “**13A.** — (1) An operator of an existing SED installation—
 - (a) involving only dry cleaning as defined in paragraph (2) of Part B of Section 7 of Part 1 of Schedule 1 (SED Activities), by means of coin-operated dry cleaners; and
 - (b) in respect of which no application for a permit to operate the existing SED installation is duly made by 31st October 2006,
 shall be deemed to have made a notification to the regulator of his undertaking to cease to operate that existing SED installation by 31st October 2007.
 - (2) Where sub-paragraph (1) applies, the operator of an existing SED installation shall be relieved of the requirement to apply for a permit under regulation 10 (Permits: general provisions), and the operation of that existing SED installation until 31st October 2007 without a permit shall not constitute an offence under paragraph (1)(a) of regulation 32 (offences).
 - (3) For the purposes of sub-paragraph (1) “coin-operated dry cleaners” include dry cleaning machines functioning by means of coins, tokens, cards or other similar triggering mechanisms. ”;
 - (b) after Part 4, insert a new Part 5 as set out in the Schedule.

23 August 2006

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) 1990 c. 8 to which there are amendments not relevant to these Regulations

NEW PART 5 OF SCHEDULE 3 TO THE POLLUTION
PREVENTION AND CONTROL (ENGLAND AND WALES)
REGULATIONS 2000

“ PART 5: REFUELLING INSTALLATIONS

20—(1) Parts 1 and 2 of this Schedule apply to existing refuelling installations and new refuelling installations subject to the provisions of this Part.

(2) The prescribed date for a new refuelling installation is the relevant date.

(3) The prescribed date for an existing refuelling installation is—

(a) where an application for a permit to operate the existing refuelling installation is made by the relevant date, the determination date for that existing refuelling installation; or

(b) where no such application is made, the relevant date.

(4) Where an installation which is subject to a permit under these Regulations contains an existing refuelling installation, the operator shall not operate that installation after the prescribed dates specified in subparagraph (3) except under and to the extent authorised by a variation of the conditions of that permit granted by the regulator under regulation 17.

(5) Paragraph 9 of Part 2 of this Schedule shall not apply to an existing Part B installation or mobile plant which consists only of an existing refuelling installation.

(6) In this Part—

“existing refuelling installation” means an installation where an activity falling within paragraph (e) of Part B of Section 1.2 of Schedule 1 is carried out;

“determination date” has the same meaning as in paragraph 6 of Part 1 of Schedule 3;

“new refuelling installation” means an installation where an activity falling within paragraph (f) of Part B of Section 1.2 of Schedule 1 is carried out; and

“the relevant date” is 1st January 2010.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pollution Prevention and Control (England and Wales) Regulations 2000 (the “PPC Regulations”) in England only.

Regulation 2(2)(a) amends part B of section 1.2 (Gasification, Liquefaction and Refining Activities) of Schedule 1 to the PPC Regulations by adding motor vehicle refuelling activities to the list of activities that require a permit under the PPC Regulations. This meets a UK obligation arising from the UN Economic Committee for Europe Geneva Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes. This Protocol entered into force on 29 September 1997 following its adoption in November 1991. The Protocol can be seen on the UNECE website at <http://www.unece.org>.

Regulation 2(2)(b) amends Section 5.1 (Incineration and Co-incineration of waste) of Schedule 1 to the PPC Regulations by clarifying that incineration incidentally in the course of burning of landfill gas is not subject to permitting under the PPC Regulations.

Regulation 2(2)(c) corrects a drafting error in Part B of section 7 (SED Activities) of Schedule 1 to the PPC Regulations.

Regulation 2(3) amends Schedule 3 (Prescribed Date and Transitional Arrangements) to exempt certain operators of coin operated dry cleaning machines who choose not to make an application for a permit before 31st October 2006 from the permit requirements of the Solvent Emissions Directive 1999/13/EC on the basis that they agree to cease carrying out operations that fall within the scope of that Directive at the installation before the 31st October 2007.

A regulatory impact assessment has been prepared and placed in the library of both Houses of Parliament. A copy can be obtained from Air and Environment Quality Division, Department for Environment, Food and Rural Affairs, Zone 7/H11, Ashdown House, 123 Victoria Street, London SW1E 6DE.

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.